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**MAY 28 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Eshwar Pittampalli :  
Application No. 09/365,678 :  
Filed: August 2, 1999 :  
Attorney Docket No. CASE 11 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed April 17, 2002, to revive the above-identified application.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 15, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 16, 2001.

A review of the file record discloses that a non-final Office action was mailed on August 15, 2001, setting a three month shortened statutory period for reply. Extensions of time under the provisions of 37 CFR 1.136(a) were permitted. Therefor, a reply, with the appropriate extension of time fee, was due on or before February 15, 2002. A fee for one month extension of time (\$110) and the Request for Reconsideration were timely filed via certificate of mailing on December 17, 2001 and were received in the Patent and Trademark Office on January 23, 2002. Therefore, since this case was not in fact abandoned at the time of filing the instant petition, the petition to revive was prematurely filed and is dismissed as involving a moot issue.

No petition fee is required and none has been charged.

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

The application file is being forwarded to Technology Center AU 2744.



Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy